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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/294,656	04/19/1999	MICHAEL J. CUSSON	ORACLE01.001	6372

7590 01/11/2005

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/294,656

Applicant(s)

CUSSON ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-131 is/are pending in the application.
- 4a) Of the above claim(s) 24-111 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 112-131 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20 October 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 112-131 are pending. Claims 24-35, 53-60, 84-93, and 112-131 were previously pending. Claims 112-131, Group II were elected for prosecution in the response filed 07/02/04 and 10/20/04 without traverse.
2. The IDS filed 10/20/04 has been considered.
3. The substitute specification filed 07/02/04 has been reviewed and addressed as set forth here below and in the Response to Arguments section in this Office action.

Specification

4. The abstract of the disclosure is objected to because page 9, line 24 recites the acronym "DA 212". It is unclear what "DA" stands for in Applicants' Specification. The acronym "CDB" on page 13, line 19 and "DSID" on page 14, line 14 have a similar problem. Page 4, line 16 remains objected to for the following: Pages numbers "30-5 through 30-11". This should read "chapter 30, pages 5-11" in order for this to be clearly understood that the pages are 5-11 in chapter 30. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 113-131 are objected to because of the following informalities: Claim 113 recites "The apparatus set forth in claim 112 wherein". This would be better recited "The apparatus in accordance with claim 112 wherein". Claims 114-118 have a similar problem. Claim 114, lines 2 and 3 recites "... whose copies are included therein". This would be better recited "... including copies of the objects". Claim 120 has a similar

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problem. Claims 118, 123, 127, and 130 contain the acronym "http". This would be better recited "hypertext transfer protocol (http)". Claim 119, 124, 128, and 131 recite "thereof". This would be better recited in claims 119 and 124 as "plurality in a ...". Claims 128 and 131 recite "a set thereof" and "a subset thereof". This would be better recited as "a subset" and "a set". Claims 122, 126, and 129 recite "in the server". This would be better recited as "on the server". Claim 125 recites "... therefor, the request ...". This would be better recited as "..., the request ...". Claims 124 and 131 recite "A memory device characterized in that:". This would be better recited as "A memory device containing program code when instructions are executed in a processor, performs ...". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 119 and 124 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 119 recites "... in a first database system of the plurality". It is unclear what Applicants' mean by "... in a first database system of the plurality". Do Applicants' mean "plurality of databases"? Claim 124 has a similar problem.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 112-114, 119, 120, 124, 125, 128, and 131 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 5,924,096) Draper et al, hereafter Draper.

As per claims 112 and 125, Draper teaches, Apparatus for responding to a request, the request including one or more specifiers referring to objects belonging to a plurality thereof in a distributed database system that includes a plurality of database systems and the apparatus comprising; a first database system of the plurality (col. 8, lines 1-10 and fig. 6 (602)(606-DB1)); and a redirector which responds to the request when the request includes a specifier that cannot be interpreted in the first database system by causing the request to be executed at least in part in a second database system of the plurality the request otherwise being executed in the first database system (col. 8, line 11-col. 9, line 32, fig. 6 –shows a redirector from 602-608-610 and 608-604-610).

As per claim 125, Draper also teaches, a second database system in fig. 6 (604 & 606).

As per claim 113, Draper teaches, The apparatus set forth in claim 112 wherein: the objects in the first database system include copies of objects contained in at least one other database system belonging to the distributed database system (col. 10, lines 15-41 (line 34 – Distributed database)).

As per claim 114, Draper teaches, The apparatus set forth in claim 1 13 wherein: the first database system functions as a cache with regard to the objects whose copies are included therein (col. 8, lines 11-54).

As per claims 119 and 124, Draper teaches, A method of responding to a request the request including one or more specifiers that refer to objects belonging to a plurality thereof in a distributed database system that includes a plurality of database systems and the method comprising the steps of: receiving the request in a first database system of the plurality (col. 7, line 59-col. 8, line 10); determining whether the request includes a specifier that cannot be interpreted in the first database system of the plurality; and when the request includes such a specifier, causing the request to be executed at least in part in a second database system of the plurality (col. 6, lines 15-36, col. 9, lines 13-23, and Fig. 6 (602 & 608)).

As per claim 124. A memory device characterized in that the memory device contains code which, when executed in a processor (col. 4, lines 51-65) performs the steps of claim 124.

As per claim 128, this independent claim is rejected for the similar rationale as given above for claims 112 and 125

As per claim 131, this independent claim is rejected for the similar rationale as given above for claims 124 and 128.

Claim Rejections - 35 USC § 103

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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 115-118, 121-123, 126, 127, 129, and 130 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,924,096) Draper et al, hereafter Draper in view of Divyesh Jadav and Monish Gupta, hereafter Jadav and Gupta.

As per claims 115 and 121, Draper teaches, The apparatus set forth in claim 13 wherein the other database system is the second database system (col. 9, lines 13-32 and fig. 6 (604 and 606)).

As per claims 116 and 121, Draper teaches, The apparatus set forth in claim 115 wherein: the first database system functions as a cache with regard to the second database system (col. 9, lines 33-53 and fig. 6 (606 –system A & B)).

As per claims 117 and 126, Draper teaches, The apparatus set forth in any one of claims 112 through 116 wherein: the apparatus is local to a server of the type that provides a program executing in the server with a standard interface for querying databases; and the requests include queries received via the standard interface (col. 4, line 4 –col. 5, line 11).

As per claims 118, 123, 127, and 130, Draper failed to teach, The apparatus set forth in claim 117 wherein: the server obeys the http protocol and the program is a Web application program. Jadav and Gupta teach, the server obeys the http protocol and the program is a Web application program (page 12, paragraph 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the server obey the http protocol and the program is a Web application program and to modify in Draper in view of Draper's teachings of an Internet, programming, and servers and because such a modification would allow Draper to have Web access to simulate the effectiveness of caching documents (objects) retrieved by the HTTP using WWW browsers.

As per claim 121, this dependent claim is rejected for the similar rationale as given above for claims 115 and 116.

As per claim 122, this dependent claim is rejected for the similar rationale as given for claim 117.

As per claim 129, this dependent claim is rejected for the similar rationale as given above for claims 117, 127, and 126.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Yates et al (US 6,167,438) disclosed caching and replication.

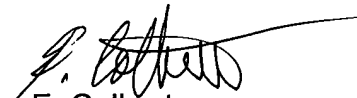
Inquiries

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert
January 8, 2005